

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8, 13-16, 24, 25, and 30-33 are presently active; Claims 9-12, 17-23, 26-29 were previously canceled without prejudice. Claims 1, 5, 13, 32, and 33 have been presently amended.

In the outstanding Office Action, Claims 1, 3-4, 5, 7-8, 13, 15-16, 30, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al (U.S. Pat. Appl. Publ. No. 2001/0051875) in view of Hartman (U.S. Pat. No. 5,960,411). Claims 2, 6, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al and Hartman in view of Ziarno (U.S. Pat. Appl. Publ. No. 2001/0001855). Claims 24-25 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al and Hartman and Ziarno in view of Guhen et al (U.S. Pat. No. 6,473,794). Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al and Hartman in view of Official Notice.

Regarding support for the claim amendments, provided below in annotated form purely for the examiner's convenience (and not to limit the claims to the particular embodiments pointed out) is amended Claim 1 with annotations to the specification showing support for the added claim elements.

Claim 1 (Currently Amended): A contribution processing device comprising:
a registering unit configured to register user information of a content provider with a user information database, the information including at least information of credit card of the content provider; *(See Figs. 5-9 and numbered paragraphs [0093]-[0128] where it is described that the user information database 37 manages the user information file 25 of the user PC 5 (see [0104]))*
an authenticating unit configured to authenticate said user information; *(See Fig. 22 and numbered paragraph [0176])*
a receiving unit configured to receive, when said authenticating unit

authenticates said user information, personal content data which is personally created by said content provider and display data for displaying a user contribution icon including a contribution button configured to be selected to indicate that a contribution is to be given to the content provider of the personal content data associated with said user contribution icon, and given in consideration for sharing by the content provider of the personal content data over a network from a predetermined server; (See Fig.22 and numbered paragraph [0177] where it is described that the content (motion picture file) is transferred in response to acquisition authentication)

a display control unit configured to control a display screen, said display screen configured to display the contribution icon and the personal content, simultaneously ;

a contribution acceptance unit configured to provide an indication of an acceptance of the contribution from a registered user without a subsequent request for information regarding how payment is going to be made;

a contribution data creating unit configured to create contribution data that corresponds to a given amount of the contribution after the contribution icon is selected on said content display screen; and

a transmitting unit configured to instruct a credit card company of said credit card of said content provider to make settlement based on said contribution data created by said contribution data creating unit. (See Fig 51 and numbered paragraphs [0379]-[0398] where it is described that management server 36 instructs the credit card company to subtract the accumulated point (contribution data) from the settlement data.)

Thus, no new matter was added.

Regarding the rejection on the merits, amended Claim 1 clarifies the contribution processing device defined therein. Claim 1 defines (1) a registering unit configured to register user information of a content provider with a user information database (2) a receiving unit configured to receive, when the authenticating unit results affirmation, personal content data which is personally created by the content provider, and (3) a display control unit configured to control a display screen which displays the contribution icon and the personal content, simultaneously.

Regarding Miller et al, Miller et al basically describes a donation system. The system of Miller et al provides a web site describing a list in which titles of items and corresponding icons are appeared (See Fig. 3 of Miller et al). If user selects one item to purchase and

decides on an amount of donation (See Fig. 6 of Miller et al), the successive web site for payment (See Fig. 8 of Miller et al) is displayed. By doing this, the user can purchase items and add a donation.

Miller et al never teach or suggest item creation or uploading. That is, Miller et al only describes how to purchase a pre-uploaded and listed set of items and only describes how to donate when purchasing ones of the listed items. As in the previously filed remarks, in Miller et al's description, it seems that all items are provided from some sort of business organization, and would not constitute personal content data which is personally created by the content provider, as defined in the independent claims. Furthermore, the items in Miller et al to be purchased are **not** themselves of an electronic content. Rather, the contents of the items to be purchased in Miller et al are the **actual products** (books, post cards). For example, the user of Miller's system has to select shipping address (See Fig. 7 of Miller et al) in order to receive the selected content.

Consequently, Miller et al's system does not disclose or suggest a receiving unit configured to receive, when the authenticating unit results affirmation, personal content data which is personally created by the content provider. Accordingly, the contents of the items to be purchased in Miller et al being **actual products**, the user of Miller et al's system can not enjoy the "contents" on the web and then decide whether donation should be done after enjoying (confirming) the content. Viewed differently, the user has to decide to donate without confirmation (or enjoyment) of contents. Thus, one of ordinary skill in the art at the time of the present invention would never expect Miller et al's system to perform refund donations.

Indeed, Miller et al's system never discloses the refund of a donation to a content provider. That is, the user of Miller et al contributes to non-profitable organization by purchasing items provided from other business organizations, not the non-profitable

organization. Accordingly, Miller et al's system never requires a registration process and/or an authentication process before receiving content from content provider mainly because there is no teaching or expectation in Miller et al of providing a refund to the content providers.

Regarding Hartman, the deficiencies in Miller et al are not overcome by Hartman. Hartman basically describes a system for placing an order to purchase an item that a purchaser desires via Internet. More specifically, Hartman describes "displaying summary/detail description of item and icon for determining to purchase the item, simultaneously."

Further, while Hartman might be construed by the examiner to suggest a registration process for donor (see. Fig. 8), Hartman is silent with regard to the feature of ***a registering process for the content provider***, as defined in the independent claims. In addition, as noted in the last filed remarks, Hartman does not teach or suggest that the content itself (item) is displayed simultaneously with the icon.

Additionally, Miller et al and Hartman are silent on a contribution refunding system in which a content provider registers in advance and receives some amount of payment from content viewer, as defined by the presently amended independent claims.

In view of the Examiner's argument in this office action that "Miller does suggest, see Figs 3A, 3B and 10 wherein a donor can view the icon representative of the content and the contribution icon simultaneously," it seems the Examiner's view is that it is obvious to display content itself simultaneously with an icon for donation.

However, as mentioned the above, the present invention differs from Miller et al in point of the benefits or advantages which a donor (client PC 4) can have.

M.P.E.P. § 2143.03 requires, to establish a case of *prima facie* obviousness, all the claim limitations must be taught or suggested by the prior art. Yet as noted above, the following features are absent from Miller et al and Hartman individually or in combination:

- (1) registering user information of **a content provider** with a user information database,
- (2) receiving, when user information is authenticated, **personal content data which is personally created by the content provider**, and
- (3) displaying a contribution icon and the personal content, *simultaneously*.

Furthermore, there appear to be no disclosure or suggestion in Miller et al and Hartman for instructing a credit card company of content provider's credit card to make a settlement based on contribution data, as defined presently in the independent claims.

Hence, with above-noted features being absent from Miller et al and Hartman, independent Claims 1, 5, 13, and 33 (and the claims dependent therefrom) are believed to patentably define over Miller et al and Hartman.

Regarding dependent Claim 31 and the Office Action reliance on Official Notice, M.P.E.P. § 2144.03 states that it is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record, as the principal evidence upon which a rejection is based. Accordingly, Applicant traverses the 35 U.S.C. § 103 rejections based on the Official Notice taken in the outstanding Office Action for the reason that, without the temporal and structural context by which these features are known to the artisan, it is impossible to conclude that it would be obvious for one of ordinary skill in the art at the time of the invention to combine this noticed feature with the art of record. Indeed, the context by which these features are allegedly known might itself provide reasons to rebut a *prima facie* case of obviousness. For instance, the previous Office Action made reference to Nikander (U.S. Pat. No. 6,029,151) for a teaching of using electronic money to make payments. Yet, the very action of making payments electronically for the telephone bill, as disclosed in

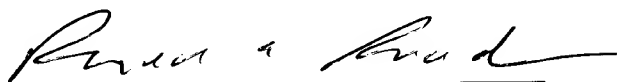
Nikander, *teaches away* from the present invention's contributions that are given in consideration for sharing by the content provider of the personal content data (in which no payment for the personal content data is required).

Therefore, it is respectfully requested again that Nikander be applied and the reasons for combining be set forth on the record or that the Official Notice rejection to Claim 31 be removed.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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